

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CAROL WILLIAMS and EARL
WILLIAMS,

Plaintiff,

v.

BANK OF AMERICA,

Defendant.

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No. 4:15CV401 SNLJ

MEMORANDUM AND ORDER

Plaintiffs move for leave to bring this action in forma pauperis. The motion is granted. Additionally, this action is dismissed without further proceedings.

Under 28 U.S.C. § 1915(e), the Court is required to dismiss a complaint filed in forma pauperis if it is frivolous, malicious, or fails to state a claim upon which relief can be granted. To state a claim for relief under § 1983, a complaint must plead more than “legal conclusions” and “[t]hreadbare recitals of the elements of a cause of action [that are] supported by mere conclusory statements.” Ashcroft v. Iqbal, 129 S. Ct. 1937, 1949 (2009). A plaintiff must demonstrate a plausible claim for relief, which is more than a “mere possibility of misconduct.”

Plaintiffs bring this action under 42 U.S.C. § 1981. Plaintiffs allege that defendant has violated the Home Affordable Modification Program (“HAMP”) by refusing to modify their home loan and threatening to foreclose their property.

To establish a claim under § 1981, a plaintiff must demonstrate that the defendant purposefully and intentionally discriminated against him or her on the basis of race. See General Bldg. Contractors Ass'n, Inc. v. Pennsylvania, 458 U.S. 375, 391 (1982); Edwards v. Jewish Hosp., 855 F.2d 1345, 1351 (8th Cir. 1988). The instant complaint does not allege that

defendant discriminated against plaintiffs on the basis of their race. As a result, plaintiffs' § 1981 claim is legally frivolous.

Furthermore, there is no private cause of action to initiate a federal lawsuit under HAMP. See Miller v. Chase Home Finance, LLC, 677 F.3d 1113, 1116 (11th Cir. 2012). As a result, this action is dismissed.

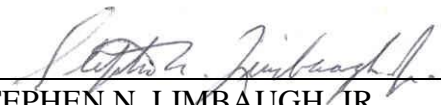
Accordingly,

IT IS HEREBY ORDERED that plaintiffs' motions to proceed in forma pauperis [ECF Nos. 2, 3] are **GRANTED**.

IT IS FURTHER ORDERED that this action is **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B).

An Order of Dismissal will accompany this Memorandum and Order.

Dated this 30th day of March, 2015.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE